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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,274	10/21/1998	HIDEAKI OHSHIMA	862.2492	7987

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EXAMINER	
BRIER, JEFFERY A	

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/176,274	OHSHIMA ET AL.	
	Examiner	Art Unit	
	Jeffery A Brier	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,15-19,21-25 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,15-19,21-25 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/2004 has been entered.

Response to Amendment

2. The amendment filed on 11/08/2004 has been entered.

Response to Arguments

3. Applicant's arguments filed 9/21/2004 have been fully considered but they are not persuasive. That response made reference to an Examiner's reasons given in his indication of allowable subject matter for Claims 6 to 10 and 20 to 24 in the Office Action of November 9, 2001 (Paper no. 9). However, upon further review of the claims it is clear the examiner misinterpreted the meaning of fitting information. From a review of claims 8 and 9 it is clear the fitting information is either image information or character information. Thompson clearly teaches fitting information is image information. Column 4 lines 16-27cteaches photo-realistic images. Figures 5-7 show images having

characters, thus, having character information. The claims do not claim the type of character information is fitting information. Page 6 lines 2-6 states:

For example, when a size of the character information in a row direction falls outside the frame, the fitting means fits the character information by automatically inserting a carriage return so as to make the character information fall within the frame.

Page 7 lines 10-14 states:

For example, the edit means can edit a character or character string as an edit function of the objects that form the object set. Alternatively, the edit means can edit a figure as an edit function of the objects that form the object set.

Page 30 line 22 to page 31 line 6 states;

In this embodiment, character data can be handled in addition to the aforementioned image data, and can be embedded into a character box frame. The character data may be stored in advance in the data storage device 15, and may be read out when they are used. Also, the character data may be directly input by, e.g., a keyboard of the input device 11. Generation processing of character data by the input device 11 (generation processing of a character label) will be described below with reference to the flow chart in FIG. 13. FIG. 13 is a flow chart showing the generation processing of character data in this embodiment.

Thompson in figures 5-7 shows one device view to two device views to four device views, note how from figure 6 to figure 7 the characters of the words in the menu (File View options Fault Configuration Performance Window) are no longer in one line.

Cleary the specification does not define details of character data, thus, the claimed character data is met by the characters shown by Thompson in figures 5-7.

4. Applicant remarks filed on 11/08/2004 are directed to amendments made to the claims and not to the references of record.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-5, 7-9, 11, 15-19, 21-23, 25, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomson, U.S. Patent No. 5,682,487. Thomson describes resizing windows that contain a view of a network device. As shown in figures 5-7 different sizes of windows may be selected by the user. At column 5 line 28 to column 6 line 51 it is clear that different sizes of windows are stored in a holding means. At column 6 lines 43-46 it is clear that for sizes between the stored sizes an interpolation is performed between two stored sizes. Interpolating uses the ratio between two known values to determine the desired value.

Claim 1:

Thomson teaches an image processing apparatus capable of variable magnification processing of output information (100%, 66%, 33%, 75%, etc.), comprising:

holding means for holding output images in a first size and output positions thereof, and holding output images in a second size and output positions thereof (*column 6 lines 9-13*);

selection means for selecting a desired image from the output images held by said holding means, and designating an output size of the selected image (*column 5 lines 60-64, column 6 lines 36-46*);

generation means for generating an output image corresponding to the output size on the basis of a ratio of change in output image between the first and second sizes held by said holding means of the image selected by said selection means (*at column 6 lines 41-46 interpolation between the stored sizes is performed to determine the output image for the selected size*);

determination means for determining a rendering position of the output image corresponding to the output size on the basis of a ratio of change in output position between the first and second sizes held by said holding means of the image selected by said selection means (*in figures 5-7 Thomson shows that different sized windows are displayed at different locations*); and

rendering means for rendering the output image generated by said generation means at the rendering position determined by said determination means (*the interpolation step renders the output image and places it at position determined for that size of window*),

wherein the rendered output image is frame information of image information, the frame information including fitting information (*From a review of claims 8 and 9 it is clear the fitting information is either image information or character information. Thompson clearly teaches fitting information is image information. Column 4 lines 16-27 teaches photo-realistic images. Figures 5-7 show images having characters, thus, having*

character information.) fitted into a frame of the frame information by a fitting means (*X client.*) with the fitting information (*photo-realistic images*) designated by a designation means for the fitting information (*One designation means is taught at column 4 lines 16-27 which teaches the X client accesses one or more images. Another designation means is taught at column 4 lines 28-35 which teaches the network administrator designates the hub which designation accesses a particular image of the designated hub.*).

Claim 2:

Thomson teaches the apparatus according to claim 1, wherein said selection means selects the image from the output images in the first size held by said holding means (column 5 lines 60-64, column 6 lines 36-46).

Claim 3:

Thomson teaches the apparatus according to claim 1, wherein said rendering means renders the output image generated by said generation means on a display screen of a display device (Display Device 121, column 3 lines 6-12).

Claim 4:

Thomson teaches the apparatus according to claim 3, further comprising output means for outputting rendering information of said rendering means to an output device which permanently visually displays the rendering information in units of pages (hard copy device 124, column 3 lines 25-28).

Claim 5:

Thomson teaches the apparatus according to claim 1, wherein said rendering means renders the output image generated by said generation means as print information to a printing apparatus (hard copy device 124, column 3 lines 25-28).

Claim 7:

Thomson teaches the apparatus according to claim 6, wherein after fitting by said fitting means, a rendering size of the frame information of the image selected by said selection means is allowed to change (*See figures 5-7.*), and when the rendering size of the frame information is changed after fitting (*From figure 5 to figure 6 there is size change.*), a fitting position of the fitting information is changed in correspondence with movement of the rendering position determined by said determination means to hold a fitting positional relationship with the frame information (*As can be seen in the transistion from figure 5 to figure 6 the display position of device A is held in the same general area even though it has changed size.*).

Claim 8:

Thomson teaches the apparatus according to claim 7, wherein when the fitting information designated by said designation means is image information (*Column 4 lines 16-27 teaches photo-realistic images.*), said fitting means does not change the fitting information (*As can be seen in figures 5-7 the information for device A does not change even though it has changed size.*) irrespective of the change in size of the frame information of the image selected by said selection means, and renders an image in the

fitting information, which corresponds to an interior of a frame of the frame information, as the fitting information in the frame (*The X window system along with the X client renders the photo-realistic image into the interior of the window frame.*).

Claim 9:

Thomson teaches the apparatus according to claim 7, wherein when the fitting information designated by said designation means is character information (*Figures 5-7 show images having characters, thus, having character information. This claim does not claim the type of character information is fitting information. Figure 5-7 also show characters in the menu (File View options Fault Configuration Performance Window).*), said fitting means displays the character information within a frame of the frame information of the image selected by said selection means (*The X window system along with the X client renders the photo-realistic image having character information into the interior of the window frame*).

Claim 11:

This claim is described in applicants specification at page 6 lines 7-15, page 22 line 1 to page 23 line 21.

Thomson teaches the apparatus according to claim 1, wherein a moving amount of a rendering position of the output image corresponding to the ratio of change in output position of the output image between the first and second sizes is compressed in the vicinity of an edge portion of an outputtable range so as to prevent the rendering position from falling outside the outputtable range of an output device upon movement of the rendering position determined by said determination means for the output image

selected by said selection means (In Thomson, as the window is compressed or resized smaller, the objects in the window near an edge, as well as objects at other locations within the window, are compressed, this is seen by comparing figures 6 and 7 where the symbols, including the ones at the edges, have been shrunk and displayed). This claim does not exclude that which is shown to be old and well known by the Thomson reference since claim 1 is a comprising claim and claim 11 is a comprising claim by reference to claim 1 and due to the absence of limitation excluding performing position compression at locations other than the edges.

Claims 15-19, 21-23, and 25 :

Claims 15-19, 21-23, and 25 are method claims corresponding to apparatus claims 1-5 and 11. The only difference being the style of the claims. The functions of claims 1-5 and 11 are the same functions performed in claims 15-19 and 25. Claims 15-19 and 25 are rejected for the same reasons that claims 1-11 are rejected.

Claim 29:

Claim 29 is computer-readable memory claim corresponding to apparatus claim 1 and method claim 15. The only difference being the style of the claims. The functions of claims 1 and 15 are the same functions performed program stored in the computer-readable memory of claim 29. Claim 29 is rejected for the same reasons that claims 1 and 15 are rejected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson, U.S. Patent No. 5,682,487.

Claim 10 claims:

10. The apparatus according to claim 9, wherein when a size of the character information in a row direction falls outside the frame, said fitting means fits the character information by automatically inserting a carriage return so as to make the character information fall within the frame.

Claim 24 is a method version of claim 10.

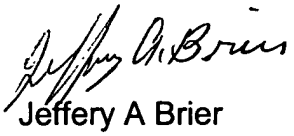
Thompson in figures 5-7 shows one device view to two device views to four device views, note how from figure 6 to figure 7 the words in the menu (File View options Fault Configuration Performance Window) are no longer in one line. As the view window changed sized and the character data for a line was too great a "carriage return" was used to place the character onto the next line. It is not clear if a "carriage return" is used by Thompson or if a line return is used or equivalent means is used to place the characters onto the next line. It is not clear if the movement of the character onto the next line is automatic or manual. It would have been obvious to one of ordinary

skill in the art to automatically place a carriage return to move the characters to the next line since a carriage return is the standard way of moving characters onto the next line via the keyboards enter key or equivalent means and because it is legal precedent to automate an activity. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723 until the move and after the move the telephone number will be 571-272-7656. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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